IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 962 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NARANBHAI ISHWARBHAI PATEL DECD. THRO' HEIRS

Versus

PATEL VALIBEN WD/O RANCHHODBHAI BHUDARBHAI

Appearance:

MR VC DESAI for Petitioner Nos. 1-1/7

RULE SERVED for Respondent No. 1,3,9-15

MR AJ SHASTRI for Respondent No. 2,4-8

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/03/2004

ORAL JUDGEMENT

The petitioners are the original plaintiffs of Regular Civil Suit No.105 of 1987, which is pending in the Court of Civil Judge (Junior Division), at Visnagar. By filing this Civil Revision Application, the

petitioners have challenged the interlocutory order passed by the trial court.

By the impugned order below Exhibit 144, the trial court has granted an application, by which certain documents are allowed to be exhibited. Looking to the nature of the order, it is clear that it is an order passed during the course of the proceedings and the suit is still pending. The subject matter of the order passed below Exhibit 144, by which certain documents are allowed to be exhibited, cannot be revised by this Court in its limited jurisdiction under Section 115 of the Code of Civil Procedure. Even otherwise, by virtue of the amendment of Section 115 of the Code of Civil Procedure, revision against such an interlocutory order is not maintainable. Hence, the revision is rejected as not maintainable. Rule is discharged. Interim relief stands vacated, with no order as to costs.

10th March, 2004 (P.B. Majmudar, J.)

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(apj)